

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Christopher B. Ghio (State Bar No. 259094) Christopher Celentino (State Bar No. 131688) DINSMORE & SHOHL LLP 655 West Broadway, Suite 800 San Diego, CA 92101 Telephone: 619.400.0500 Facsimile: 619.400.0501 christopher.ghio@dinsmore.com christopher.celentino@dinsmore.com  <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Richard A. Marshack, Chapter 11 Trustee	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b>	
In re:  THE LITIGATION PRACTICE GROUP P.C.,          Debtor(s).	CASE NO.: 8:23-bk-10571-SC CHAPTER: 11          <b>APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]</b>

1. Movant applies under LBR 9075-1(b) for an order setting a hearing on shortened notice on the following motion:
  - a. Title of motion: Motion for Entry of Order (A) Approving Sale, Subject to Overbid, of Assets Free and Clear of All Liens, Claims, Encumbrances and Interests and (B) Approving Assumption and Assignment of Certain Executory Contracts
  - b. Date of filing of motion: 7/7/2023
2. Compliance with LBR 9075-1(b)(2)(A): (***The following three sections must be completed***):
  - a. Briefly specify the relief requested in the motion:  
Richard A. Marshack, the Chapter 11 Trustee for the bankruptcy estate of The Litigation Practice Group P.C. moves, pursuant to Sections 105 and 363(b) of Title 11 of the United States Code and Rule 6004 of the Federal Rules of Bankruptcy Procedure for entry of an order approving the sale of assets and assumption and assignment of identified executory contracts to Consumer Legal Group, PC.

- b. Identify the parties affected by the relief requested in the motion:

Potentially the consumer clients and all creditors, including consumer creditors.

- c. State the reasons necessitating a hearing on shortened time:

The Chapter 11 Trustee will no longer have funds to administer the estate of The Litigation Practice Group P.C. unless he obtains additional financing or sells assets. The Trustee has negotiated a sale of the debtor's client files, which he believes is in the best interest of all parties, particularly consumers. Due to the time constraints caused by limited finances, the Chapter 11 Trustee cannot proceed with a fully noticed motion. However, he understands the need for parties to obtain the Motion and have time to properly respond to the evidence therein. Thus, he requests a shortened notice period for oppositions and replies, with a hearing by July 14, 2023.

3. Compliance with LBR 9075-1(b)(2)(B): The attached declaration(s) justifies setting a hearing on shortened notice, and establishes a *prima facie* basis for the granting of the motion.
4. Movant has lodged a proposed Order Setting Hearing on Shortened Notice on mandatory form F 9075-1.1.ORDER .SHORT.NOTICE

Date: 7/7/2023

DINSMORE & SHOHL LLP

Printed name of law firm

/s/ Christopher B. Gio

Signature of individual Movant or attorney for Movant

Christopher B. Ghio

Printed name of individual Movant or attorney for Movant

**DECLARATION OF CHRISTOPHER B. GHIO**

I, CHRISTOPHER B. GHIO, declare as follows:

1. I am special counsel to Richard A. Marshack, the duly appointed Chapter 11 Trustee (the “Trustee”) for the bankruptcy estate (the “Estate”) of The Litigation Practice Group P.C. (the “Debtor” or “LPG”). I am a partner of Dinsmore & Shohl LLP and duly admitted to practice before all of the courts in the State of California, including the United States District Court for the Central District of California.

2. I have personal knowledge of the matters set forth herein. If called as a witness in this matter, I could and would testify competently thereto.

3. I make this declaration in support of the Trustee’s *Application for Order Setting Hearing on Shortened Notice [LBR 9075-1(b)]* (the “Application”) regarding a hearing on the *Motion of Trustee Richard A. Marshack for Entry of An Order (A) Approving Sale, Subject to Overbid, of Assets Free and Clear of All Liens, Claims, Encumbrances and Interests Pursuant to 11 U.S.C. § 363(b) And (B) Approving Assumption and Assignment of Certain Executory Contracts and Unexpired Leases and Other Agreements* (the “Motion”).

4. For the following reasons, a good cause exists for shortening time for a hearing on the Motion.

5. At this time, the Office of the United States Trustee (“UST”) has prohibited the use of any funds collected by LPG from ACH draws to be utilized by the Trustee for operating the Debtor. The Trustee has complied and those funds are all in a segregated account. However, these limitations prohibit the Trustee from undertaking the typical process to service and protect consumer clients during the bankruptcy proceeding.

6. Given these facts, by July 14, 2023, the Trustee will run out of funds, which allow LPG to continue to operate. The Trustee can either seek further financing or move to sell assets. To that end the Trustee has determined that a sale is in the best interest of the Estate. As such, he has negotiated such a sale. But, Court approval of the sale must be on an expedited basis to ensure that the consumer clients who need legal services, including those with pending or threatened litigation against them, continue to be represented.

7. If the Trustee were allowed to use cash on hand to fund operations, additional time would allow for a fully noticed motion and for time for interested buyers to perform due diligence on the assets.

8. Due to the realities of this case and time constraints, the Trustee cannot proceed under normal circumstances as there is limited financing and time to accomplish that which the Trustee believes, in his business judgment, is in the best interest of the consumers. Therefore, after considering offers and taking the Court and UST's concerns into serious consideration, the Trustee has reached an agreement to sell the assets.

9. The proposed sale will afford those consumer clients who do not opt out of the assignment to seek and obtain the critical legal services they desire and, in many instances, need, given pending or threatened litigation by creditors or debt collection agencies. The proposed sale is subject to extraordinary oversight and consumer protections and also monetizes the Debtor's assets for the benefit of the Estate and all creditors including consumer creditors.

10. In view of the foregoing, it is necessary for the Trustee to seek a shortened notice period for a hearing on the Motion.

11. I do not believe that the relief requested herein will prejudice the Debtor or other interested parties. The Trustee seeks an order shortening time as opposed to emergency relief in order to afford the Office of the United States Trustee and other creditors an opportunity to respond to the Trustee's requested relief.

I declare under penalty of perjury under the laws of the state of California and under the laws of the United States that the foregoing is true and correct, and that this declaration is executed on this 7th day of July, 2023 at San Diego, California.

/s/ Christopher B. Ghio  
Christopher B. Ghio

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document entitled: **APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 7, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On July 7, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on July 7, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**JUDGE'S COPY**

The Honorable Scott C. Clarkson  
United States Bankruptcy Court  
Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Suite 5130 / Courtroom 5C  
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 7, 2023  
Date

Caron Burke  
Printed Name

/s/ Caron Burke  
Signature

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

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